

ment was not corrected or relieved by the statement "Contains Egg Yolks and Whites," which appeared in much smaller type two lines below the prominently displayed words "Sugared Egg Yolks"; and in that they were offered for sale under the name of another food, "Sugared Egg Yolks."

On November 3, 1943, Frigid Food Products, Inc., claimant for the 2 lots at Springfield, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond to be reconditioned, in the case of the lot that was in part decomposed, by separating the fit portion from the unfit portion, and, in the case of the egg yolks, by properly relabeling the cartons under the supervision of the Food and Drug Administration. On April 11, 1944, no claimant having appeared for the 7 cartons seized at New York, judgment of condemnation was entered and the product was ordered destroyed.

**5686. Adulteration of shell eggs. U. S. v. 487 Crates of Eggs. Consent decree of condemnation. Product ordered released under bond for salvaging. (F. D. C. No. 10810. Sample No. 56646-F.)**

On September 22, 1943, the United States attorney for the District of New Jersey filed a libel against 487 second-hand crates, each containing 30 dozen eggs, at Jersey City, N. J., alleging that the article had been shipped on or about July 29, 1943, by the Irving Manaster Co. from McPherson, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 23, 1943, the Larry Oshin Co., New York, N. Y., claimant, having admitted allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be separated and destroyed or denatured under the supervision of the Federal Security Agency.

### FEEDS AND GRAINS\*

**5687. Misbranding of calf meal. U. S. v. Frank E. Moore and L. Virginia Moore (Hilltop Farm Feed Co.). Pleas of guilty. Fine of \$20 which included both defendants. (F. D. C. No. 10588. Sample No. 8741-F.)**

On December 13, 1943, the United States attorney for the District of Minnesota filed an information against Frank E. Moore and L. Virginia Moore, individuals trading as copartners under the firm name Hilltop Farm Feed Co., at Minneapolis, Minn., alleging shipment on or about March 9, 1943, from the State of Minnesota into the State of Wisconsin of a quantity of calf meal that was misbranded. The article was labeled in part: "Hilltop Calf Meal For raising calves economically without milk. Prevents scours and keeps them growing rapidly \* \* \* Guaranteed analysis Protein not less than 24%. Fat—not less than 4.5%. Fiber not over 5%."

The article was alleged to be misbranded in that the statements, "Protein not less than 24%. Fat—not less than 4.5%," were false and misleading since it contained not more than 20.94 percent of protein, and not more than 3.64 percent of fat.

The product was also alleged to be misbranded under the provisions of the law applicable to drugs as reported in drugs and devices notices of judgment.

On December 13, 1943, the defendants having entered pleas of guilty, the court imposed a fine of \$20 which included both defendants.

**5688. Misbranding of Mutual Compound. U. S. v. Joseph C. Winslow and Stephen R. Winslow (Mutual Products Co.). Plea of guilty. Fine, \$100. (F. D. C. No. 8752. Sample No. 76895-E.)**

This product consisted essentially of a mixture of wheat, corn, and oat products, dry milk, small amounts of salt, sugar, reducing sugars, yeast, iodide, calcium, iron, phosphate compounds, anise, and resinous material. It contained 19.44 percent of crude protein, 4.08 percent of crude fat and 3.38 percent of crude fiber.

On February 6, 1943, the United States attorney for the District of Minnesota filed an information against Joseph C. Winslow and Stephen R. Winslow, trading as the Mutual Products Co., Minneapolis, Minn., alleging shipment on or about March 3, 1942, from the State of Minnesota into the State of Wisconsin of a quantity of food, known as Mutual Compound, which was misbranded.

The article was alleged to be misbranded in that the statements appearing in its labeling which represented and suggested that, when fed to calves as di-

\*See also No. 5796.

rected in place of whole milk, it would give the same results as would whole milk; that, when used as directed, it would give feeding results equal to those resulting from the use of separated milk; that it would give skim milk feeding results when fed to pigs; that it would give separated milk feeding results at less than half the cost of separated milk; that, when fed as directed, it would insure rapid growth in calves, pigs, and poultry; and that results obtained from feeding 1 pound of the article would equal the results obtained from feeding 85 pounds of separated milk were false and misleading since it would not give the results claimed.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices.

On February 6, 1943, the defendants entered a plea of guilty and the court imposed a fine of \$100, which was applicable to both defendants.

**5689. Misbranding of Dr. MacDonald's Vitamized Chick & Growing Mash Maker, and adulteration and misbranding of Dr. MacDonald's Vitamized Egg Mash Maker and Dr. MacDonald's Vitamized Metabolators for Dairy Cattle, Swine, Calves, Beef Cattle, and Sheep. U. S. v. 9 Bags of the Egg Mash Maker, 8 Bags of the Chick & Growing Mash Maker, and the following quantities of the Vitamized Metabolators: For Dairy cattle, 23 bags; for swine, 101 bags; for calves, 1 bag; for beef cattle, 27 bags; for sheep, 10 bags. Decrees of condemnation. Products ordered released under bond for relabeling. (F. D. C. Nos. 10951, 11085. Sample Nos. 8241-F, 8242-F, 8565-F, 8566-F, 8568-F to 8570-F, incl.)**

On October 22 and November 10, 1943, the United States attorney for the District of Minnesota filed libels against a total of 179 100-pound bags of the above-named products at St. Paul, Minn., alleging that they had been shipped in interstate commerce on or about March 20, May 14, and September 22, 1943, by the Vitamized Feed Co., Fort Dodge, Iowa; and charging that the Chick & Growing Mash Maker was misbranded and that the other products were adulterated and misbranded.

Examination of the Egg Mash Maker showed that it consisted of ground limestone, salt, charcoal, sulfur, and small amounts of iron sulfate, copper sulfate, sodium bicarbonate, potassium iodide, oil, and plant material including ginger. The iodine content was not more than 0.03 percent. It was alleged to be adulterated in that a valuable constituent, iodine, had been in part omitted therefrom. It was alleged to be misbranded in that the statement in its labeling, "Iodine (I) Not Less Than . . . .03906 Per Cent," was false and misleading as applied to a product deficient in iodine. It was alleged to be misbranded further in that certain statements in its labeling which represented and suggested that the article, when fed to poultry, was effective to produce high egg production, and would increase vitality, insure greater hatchability of eggs, improve utilization of food, and prevent or correct many nutritional deficiency diseases were false and misleading since the article was not so effective.

Examination of the Chick & Growing Mash Maker showed that it consisted essentially of ground limestone, salt, charcoal, sulfur, and small proportions of iron sulfate, iron oxide, copper sulfate, sodium thiosulfate, sodium bicarbonate, potassium iodide, oil, yeast, plant material including a cereal, and ginger. It was alleged to be misbranded in that certain statements in its labeling, which suggested and implied that the article was vitamized; that it would stop chick losses; that it would prevent any disease condition of chicks or chickens; that it would help to keep the chicks in good health; that it would help to produce healthy, mature birds in the shortest possible time; that it was a balancer of feeds; that it would reduce mortality due to unbalanced feeds; that it would increase egg production and build greater resistance to disease; that it would help guard against chick mortality; that it would help to grow chicks at a faster rate in a shorter period of time at less cost; that it would increase the flow of digestive juices and body secretions; that it would build strong, vigorous, thrifty chicks; that it would promote strong bone structure, rapid growth, and improve flock health and vigor; that it would ward off nutritional deficiency diseases; and that it would build up resistance against infectious diseases, were false and misleading since the use of the article would not effect the results suggested or implied by such statements.

Examination of the Metabolator for Dairy Cattle showed that it consisted essentially of ground limestone, salt, charcoal, sulfur, and small proportions of iron sulfate, copper sulfate, sodium bicarbonate, potassium iodide, oil, and plant material including ginger, fenugreek, and anise. The phosphorus content was not more than 2.85 percent and the iodine content was not more than 0.034